

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES,

Plaintiff,

v.

(all defendants),

NO. 19-cr-10080-NMG

Defendants

ORDER ON EXCLUDABLE DELAY

KELLEY, U.S.M.J.

The second superceding indictment was returned in this case on April 9, 2019. Each defendant filed a waiver pursuant to Fed. R. Crim. P. 10(b), waiving appearance at his or her arraignment and pleading not guilty, and the court accepted those waivers. Arraignment was held today, April 29, 2019; each defendant was represented by counsel at the hearing. The case was continued to June 3, 2019, at 11:00 a.m. for an initial status conference.

The court presumes that all defendants opt into automatic discovery pursuant to Local Rule 112.4 (a)(1), if any defendant does not, he or she shall file a Waiver of Request for Disclosure within one week of this order.

Pursuant to Local Rule 112.2 (a) and the provisions of 18 U.S.C. § 3161(h)(7)(A), the court finds that the interests of justice in this case, *i.e.*, allowing the parties to waive appearance at their arraignment, allowing the parties to negotiate a protective order so that discovery may begin, and allowing the parties time to exchange discovery and prepare the case for trial, outweigh the best

interests of the public and defendants for a trial within seventy days of the date of the defendants' arraignment.

Accordingly, it is hereby ORDERED that, the Clerk of this Court enter excludable time for the period from April 9, 2019, up to and including June 3, 2019.¹

/s/ M. Page Kelley
M. PAGE KELLEY
United States Magistrate Judge

¹ The parties are hereby advised that under the provisions of Rule 2(b) of the Rules for United States Magistrates in the United States District Court for the District of Massachusetts, any party may move for reconsideration by a district judge of the determination(s) and order(s) set forth herein within fourteen (14) days after receipt of a copy of this order, unless a different time is prescribed by this court or the district judge. The party seeking reconsideration shall file with the Clerk of this Court, and serve upon all parties, a written notice of the motion which shall specifically designate the order or part thereof to be reconsidered and the basis for the objection thereto. The district judge, upon timely motion, shall reconsider the magistrate judge's order and set aside any portion thereof found to be clearly erroneous in fact or contrary to law. The parties are further advised that the United States Court of Appeals for this Circuit has indicated that failure to comply with this rule shall preclude further appellate review. See Phinney v. Wentworth Douglas Hospital, 199 F.3d 1 (1st Cir. 1999); Sunview Condo. Ass'n v. Flexel Int'l, 116 F.3d 962 (1st Cir. 1997); Pagano v. Frank, 983 F.2d 343 (1st Cir. 1993).